

City Council Agenda

Council President
Jerry Duncan

Councilmembers

Tom Boyajian
Brian Calhoun, Ph.D.
Mike Dages

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund

Interim City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

April 4, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Reverend Bryan Martin of the St. Patrick's Community Church

Pledge of Allegiance to the Flag led by the Central California Association for the Education of Young Children

Ceremonial Presentations:

Presentation of SPCA Pet of the Month – Councilmember Calhoun

Proclamation of "DON L. DICK. TOWER BARBER SHOP DAY" – Councilmember Boyajian

Proclamation of "NATIONAL TARTAN DAY AND THE BEGINNING OF SCOTTISH HERITAGE WEEK" -
Councilmember Westerlund

Proclamation of "NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK" – City Manager's Office

Presentation of Driver Appreciation Awards – Fresno Area Express

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 28, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 10:30 a.m.

A. * Approve the acquisition of one (1) temporary construction easement for the placement of a sewer main in unincorporated area of Fresno County along Central Avenue between Cherry Avenue and Mary Street from property owners: Mary Lou Gutierrez and Frances H. Gutierrez (***Property located in Fresno County***) – Public Works Dept.

Action Taken:

B. * Approve the agreement with Blair, Church & Flynn Consulting Engineers for the preparation of work plans for No Neighborhood Left Behind Year 2 Projects (***All Council Districts***) – Public Works Dept.

Action Taken:

C. * Approve the agreement with Fresno Metropolitan Flood Control District for the installation of Master Plan Facilities within No Neighborhood Left Behind Area 11 Neighborhood (***Property located in District 3***) – Public Works Dept.

Action Taken:

D. * Award a contract to Tron Construction of Fresno to acoustically treat 43 homes under the Fresno Yosemite International Airport Sound Mitigation Acoustical Remedy Treatment (SMART) Program, Phase VIII, Bid Group #16 FAA, Grant AIP 45 – Airports Dept.

Action Taken:

E. Approve reappointment of Frank Franco to the Fresno Metropolitan Flood Control District Board of Directors – Council President Duncan

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. * Conditional approval of additional home investment partnerships (HOME) program loan funds in the amount of \$416,000 to SADI LLC for construction of a 104-unit affordable rental housing development – Planning and Development Dept.
Action Taken:
- G. * Approve a Cost Reimbursement Agreement with the Kings River Conservation District for enhancement of the Kings River integrated groundwater and surface water model and authorize the Director of Public Utilities or his designee to sign the agreement on behalf of the City – Dept. of Public Utilities
Action Taken:
- H. Reject a requirements contract to destroy various abandoned domestic water wells – Dept. of Public Utilities
Action Taken:
- I. * Award a contract to Steve Dovali Construction of Fresno to construct well site improvements at Pump Station #321 – Dept. of Public Utilities
Action Taken:
- J. Award a requirements contract to Pioneer Americas, LLC of Walnut Creek for 12.5% sodium hypochlorite (bulk delivery) – Dept. of Public Utilities
Action Taken:
- K. Award a requirements contract to Preferred Pump and Equipment of Fresno for chemical metering pump – Dept. of Public Utilities
Action Taken:
- L. **RESOLUTION** – Establishing procedures for administration of land conservation contracts – Planning and Development Dept.
Action Taken:
- M. **RESOLUTION** – Approving the Final Map of Tract No. 5356 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:
- N. **RESOLUTION** - Approving the Final Map of Tract No. 5205 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents ***(Property located in Council District 6)*** – Planning and Development Dept.
Action Taken:
- O. Approving documents relating to Final Maps of Tract Nos. 5313 and 5374 – Planning and Development Dept.
1. **RESOLUTION** - Approving the Final Map of Tract No. 5313 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents ***(Located in Council District 5)***
Action Taken:
2. **RESOLUTION** - Approving the Final Map of Tract No. 5374 and accepting dedicated public uses therein; authorize the Public Works Director and Planning and Development Director to execute the necessary documents ***(Located in Council District 5)***
Action Taken:
3.. * **RESOLUTION** – 74th amendment to AAR No. 2005-286 appropriating \$38,700 for the purpose of funding right-of-way acquisition in UGM Tract No. 5374 ***(Requires 5 affirmative votes)***
Action Taken:
- P. * **BILL NO. B- 29 – (Intro. 3/28/2006) (For adoption)** - Amending Section 3-105 of the Fresno Municipal Code relating to advertised competitive bidding threshold – General Services Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- Q. Amending the Fresno Municipal Code relating to the regulation of dogs and cats in the City of Fresno - City Attorney's Office and PR&CS
1. * **BILL NO. B-34 - (Exhibit A) (Intro. 3/28/2006) (For adoption)** - Amending the Fresno Municipal Code relating to animals at large and dangerous animals (**excludes** addition of 9-225 to the Fresno Municipal relating to the breeding, transfer and sale of dogs and cats)
Action Taken:
 2. * **BILL NO. B-35 - (Exhibit A) (Intro. 3/28/2006) (For adoption)** - Amending the Fresno Municipal Code relating to animals at large and dangerous animals (**includes** addition of 9-225 to the Fresno Municipal relating to the breeding, transfer and sale of dogs and cats)
Action Taken:

3. **CITY COUNCIL**

- A. Report regarding Handyride contract – Councilmember Dages
Action Taken:
- B. **RESOLUTION** - In support of Assembly Bill 2300 establishing a California Crime Stoppers Council – Council President Duncan and Acting President Perea
Action Taken:
- C. Presentation of 2006-2007 City of Fresno budget hearing schedule – Council President Duncan
Action Taken:
- D. Direct staff to research and develop a draft ordinance creating “Park-and-Ride” facilities at major shopping centers and “Big Box” retail centers Citywide – Councilmember Westerlund
Action Taken:
- E. Discussion of Solid Waste Program – Councilmember Dages
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M.
- A. **SCHEDULED COMMUNICATION –**
 1. Appearance by Frank Hernandez to discuss the building of a Chapel in La Paz (Keene, California) commemorating the life of Cesar Chavez
 - B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. **GENERAL ADMINISTRATION**

- A. Approval of the City's new owner-occupied housing rehabilitation program including: (Planning and Development Dept.)
 1. * **RESOLUTION –** 73rd amendment to AAR No. 2005-286 appropriating \$750,000 to the Housing and Community Development Division for a new Owner-Occupied Housing Rehabilitation Program (***Requires 5 affirmative votes***)
Action Taken:
 2. * **RESOLUTION –** 20th amendment to PAR No. 2005-287 adding three (3) new full-time equivalents to the Planning and Development Dept. for the new Owner-Occupied Housing Rehabilitation Program
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

GENERAL ADMINISTRATION CONTINUED

- B. * **RESOLUTION** - Authorizing and approving the borrowing of funds for fiscal year 2006-2007; the issuance and sale of a 2006-2007 Tax Revenue Anticipation Note therefor and participation in the California Communities Cash Flow Financing Program - Finance Dept.
Action Taken:

10:00 A.M. #1 **HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 113 – Final Tract Map No. 5442 ***(Property located in District 5)***

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 113
Action Taken:

10:00 A.M. #2 **HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 114 – Final Tract Map No. 5445 ***(Property located in District 5)***

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 114
Action Taken:

10:00 A.M. #3 **HEARING** regarding City of Fresno Community Facilities District No. 2, Annexation No. 115 – Final Tract Map No. 5446 ***(Property located in District 5)***

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 115
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. #4 HEARING regarding City of Fresno Community Facilities District No. 2, Annexation No. 116 – Final Tract Map No. 5211 **(Property located in District 6)**

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 2 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 2, Annexation No. 116
Action Taken:
- e. **RESOLUTION** – Approving Final Tract Map No. 5211 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents – Planning and Development Dept.
Action Taken:

10:15 A.M. CONTINUED HEARING to consider a resolution of public use and necessity for the acquisition of a street easement and an irrigation easement from residential property located at 2167 N. Cornelia Avenue, which is the northwest corner of Cornelia Avenue and the future University Avenue in the City of Fresno: 312-280-18s owned by Arthur E. Steeley and Halaine E. Steeley **(Property located in District 3)** – Public Works Department

Action Taken:

- a. * **RESOLUTION** – Determining that public interest and necessity require acquisition of permanent easement and rights of way and an irrigation easement for public purposes over, under, through and across real properties for the construction of the Cornelia Avenue Street widening project and related purposes and authorizing eminent domain proceedings for public use and purpose **(Requires 5 affirmative votes)**
Action Taken:

10:30 A.M. CONTESTED CONSENT CALENDAR

10:35 A.M. HEARING to consider Rezone Application No. R-05-106, and environmental findings, filed by Ethan Smith on behalf of Dale and Mary Mendoza and Lee Roy and Evelyn Weldon, pertaining to approximately 8.66 acres of property located on the south side of West Nielsen Avenue between South Hughes and South West Avenues **(Continue to April 18, 2006, at 11:00 a.m.)**

Action Taken:

10:45 A.M. #1 JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
 - 1. **Case Name:** Heritage Fresno, Friends of Armenian Town v. Redevelopment Agency of the City of Fresno; Superior Court Case No. 05CECG00012
 - 2. **Case Name:** Heritage Fresno, Friends of Armenian Town v. City of Fresno, Fresno Superior Court No. 06CECG00162
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:45 A.M. #2 **CLOSED SESSION**

- B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, subdivision (a)
1. **Case Name:** City of Fresno v. Madera County Board of Supervisors, et al.; (River Ranch) (Stanislaus County, Superior Court No. 351003)
 2. **Case Name:** County of Madera v. City of Fresno; Fresno City Council; (Fancher Creek) (Sacramento County, Superior Court No. 05CS01379)
Action Taken:

2:15 P.M. Partner with the Central Valley Higher Education Consortium (CVHEC) to provide a Walk-In College Information Center- Councilmember Calhoun and Acting President Perea
Action Taken:

- 2:45 P.M.** **HEARING** to consider Rezone Application No. R-05-101, and environmental findings, filed by Yamabe & Horn Engineering, Inc., on behalf of Denise Gulian, pertaining to approximately 2.13 acres of property located on the east side of N. Cornelia Avenue just south of W. Cornell Avenue (***Property located in District 1***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-05-101/TPM-2005-18, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the RR (*Rural Residential, Fresno County*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:

3:00 P.M. #1 Request City Manager and Redevelopment Agency Executive Director to issue a joint Request For Proposal to hire a professional services firm to perform an analysis with recommendations of the Redevelopment Agency and Economic Development Department to include best practices and project-specific evaluations. - Councilmember Calhoun and Acting President Perea
Action Taken

3:00 P.M. #2 **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of March 28, 2006
Action Taken:

- A. CONTINUED HEARING** for Council deliberations and action only, public testimony was closed.
Consider matters regarding proposed 2006 Plan Amendments to the Chinatown Expanded Community Redevelopment Plan:
1. **RESOLUTION** - Approving and adopting the report to the City Council and submitting the report to the Council (***Agency action***)
Action Taken:
 2. **RESOLUTION** - Adopting findings in response to written objections to Proposed 2006 Plan Amendments (***Council action***)
Action Taken:
 3. * **BILL** - That does the following: (***Council action***)
 - a. Adopts the Mitigated Negative Declaration Environmental Finding for Environmental Assessment No. RDA-2005-05, Dated January 12, 2006;
 - b. Makes certain findings; and
 - c. Approves the Proposed 2006 Plan Amendments
Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:15 P.M. **CONTINUED HEARING** to consider Community Facilities District No. 11, Annexation No. 2, Tract No. 5316 (*Property located in District 1*) – Public Works Dept.

Action Taken:

a. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax

Action Taken:

b. **RESOLUTION** - Calling special mailed-ballot election

Action Taken:

c. **RESOLUTION** - Declaring election results

Action Taken:

d. * **BILL** - Levying a special tax for the property tax year 2006-2007 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 2, Tract No. 5316

Action Taken:

e. **RESOLUTION** - Approving the Final Map of Tract No. 5316 and accepting dedicated public uses therein; authorize the Public Works Director, the Public Utilities Director and the Planning and Development Director to execute the necessary documents – Planning and Development Dept.

Action Taken:

5:00 P.M. #1 **HEARING** to consider Rezone Application No. R-05-22, and an appeal of the Planning Commission's action approving Tentative Tract Map No. 5449, and environmental findings, filed by Valley Pacific Builders, Inc., pertaining to approximately 35.8 acres of property located on the north side of E. Butler Avenue between S. Peach and S. Minnewawa Avenues (*Property located in District 5*) – Planning and Development Dept.

Action Taken:

a. Consider and adopt Environmental Assessment No. R-05-22/T-5449, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AL-20 (*Limited Twenty Acre Agricultural, Fresno County*) zone district to the R-1 (*Single Family Residential*) zone district

Action Taken:

c. Accept withdrawal of appeal filed on March 24, 2006 as related to the Planning Commission's action which approved Tentative Tract Map No. 5449

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 5:00 P.M.#2 HEARING** to consider Plan Amendment Application No. A-05-06, Rezone Application No. R-05-35, Conditional Use Permit Application No. C-05-114, and environmental findings filed by Sol Development Associates LLC on behalf of Kernback LP, pertaining to the northernmost approximate 10.81-acre portion of the 25.91-acre subject property located on the south sided of E. Kings Canyon Road between S. Peach and S. Minnewawa Avenues. The project also includes the detachment of the subject property from the Kings River Conservation District and the Fresno County Fire Protection District for which the Fresno County Local Agency Formation Commission (LAFCO) is the responsible agency ***(Property located in District 5)*** – Planning and Development Dept.
- Action Taken:**
- a. Consider and adopt a Mitigated Negative Declaration for Environmental Assessment No. A-05-06/R-05-35/C-05-114
- Action Taken:**
- b. **RESOLUTION** – Amending the 2025 Fresno General Plan and Roosevelt Community Plan for the approximate 10.81 acre portion from the open space/community park and the alternative medium-low density residential planned land use designation to the office commercial land use designation
- Action Taken:**
- c. **RESOLUTION** – Approving Conditional Use Permit Application No. C-05-114
- Action Taken:**
- d. **BILL** – Amending the Official Zone Map to rezone a 10.81-acre portion of the subject property from the AE-20 *(Exclusive Twenty Acre Agricultural, Fresno County)* zone district to the S-L/UGM/cz *(Storage Limited/Urban Growth Management/conditions of zoning)* zone district.
- Action Taken:**

SCHEDULED COUNCIL HEARINGS AND MATTERS

Apr.	11 -	NO MEETING – EASTER BREAK	
Apr.	18 -	8:30 A.M.	Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
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Apr.	18 -	10:00 A.M.	WORKSHOP on East Fresno Water Issues
Apr.	18 -	10:30 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 110, Tract No. 5457
Apr.	18 -	10:35 A.M.	CONTINUED HEARING re: Rezone Application No. R-05-61, Centex Homes on behalf of Damrong and Somluck Pattanumotana <i>(Property located in District 4)</i>
Apr.	18 -	10:45 A.M.	CONTINUED HEARING to consider Rezone Application No. R-05-28, filed by John Allen on behalf of Image Homes, Inc.
Apr.	18 -	11:00 A.M.	CONTINUED HEARING re: Rezone Application No. R-05-106, filed by Ethan Smith on behalf of Dale and Mary Mendoza and Lee Roy and Evelyn Weldon
Apr.	18 -	2:40 P.M.	HEARING re: Rezone Application No. R-05-40, filed by Lafferty Homes, Inc., and Robert Dominguez, Margaret C. Dominguez, Ronda Walk, and Harry and Dorothy Paul
Apr.	18 -	2:50 P.M.	HEARING re: Rezone Application No. R-05-57, filed by Artel Farms, Inc.
Apr.	18 -	3:00 P.M.	HEARING re: Rezone Application No. R-05-58, filed by Dirk Poeschel on behalf of Werner Graf
Apr.	18 -	3:30 P.M.	Amending the Fresno Municipal Code relating to required installation of automatic fire extinguishing system for all occupancies – Fire Dept.
Apr.	18 -	5:30 P.M.	CONTINUED HEARING – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources
Apr.	25 -	4:00 P.M.	2005 Cycle 3 Plan amendments (Planning and Development Dept.
May	3 -	3:00 P.M.	Presentation of Employee Service Awards Certificates (Council Chambers) (Reception immediately following – 2 nd floor foyer)
May	23 -	10:00 A.M. #1	HEARING re: Community Facilities District No. 2, Annexation No. 117, Tract No. 5229
May	23 -	10:00 A.M. #2	HEARING re: Community Facilities District No. 2, Annexation No. 118, Tract No. 5326

